Remarks

In the Drawings

The Examiner has objected to the specification referring to "data 18" and "software 18" in Figure 1. The drawing is correct and the specification has been amended to correct the naming problem.

The Examiner has also objected to the phrase, "data request form," in the claims. Claim 4, which uses the phrase "data request form," has been amended so that every feature claimed is now presently shown in the drawings.

Figure 4 was amended to renumber Data Backup System to 15'. Data Backup System 15' is a sub-system of Data Processing System 15 of Figure 1. This contention is supported in the specification on page 6 line 3 in which it is stated that, "FIG. 4 is a block diagram of the system of FIG. 1 illustrating additional format conversion and encryption features."

In the Claims

Applicant has amended claim 2 according to the Examiner's correct assumption.

Claim 4 was amended so that the claim language more accurately reflects the features shown in the drawings.

Claims 1, 4 and 7 were amended to incorporate the language of the preamble into the body of the each claim as well as language from the specification to more particularly claim the present invention.

In the Specification

The title "Detailed Description of Drawings" received an informality objection. The foregoing amendment corrects the informality.

The Examiner has objected to the specification referring to "data 18" and "software 18" in Figure 1. Since the drawing is correct, the specification has been amended accordingly to correct the naming problem by matching the claim language to the structures disclosed in the drawings. Also, (Fig. 4 No. 38) language was added to reflect what was stated earlier on page 5 line 4.

35 USC §112 First Paragraph Rejection

The Examiner has rejected Claims 4-6 under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The disclosure for the present invention is enabling because it fully identifies the problem and it fully identifies the solution to the problem and therefore one skilled in the art would know how to make and/or use the invention. The inventive concept in the present invention would be readily understood and enabling because the disclosed solution to the problem presents the elements necessary, the functionality of the elements and the relationships between the elements and the elements' functionality.

The enablement requirement does not require the applicant to unnecessarily limit the invention to a particular realization of the invention when the invention disclosure is enabling for a multitude of realizations. For example, the present invention can be realized on a multitude of platforms, hardware/software

configurations, programming languages and programming styles and all without changing the inventive concept in the present invention.

Also, in view of the foregoing amendment to claim 4 and discussion of the adequate enablement provided by the present invention, undue experimentation would not be necessary to realize, "software executing on said central computer for generating – transmitting – receiving a data backup request form" in claim 4 because a data backup request form is no longer claimed. Accordingly, since claims 5 and 6 are dependent on claim 4 and claim 4 is now patentable subject matter, then claims 5 and 6 should be allowed.

35 USC §102(b) Rejection

The Examiner has rejected Claims 4-6 under 35 U.S.C. §102(b), as being anticipated by US Patent No. 5,771,354 to Crawford et al. Applicant respectfully requests that the Examiner reconsider this rejection in light of the above Amendments and the below Remarks.

The amendment of claims 1, 4 and 7 to include the language of the preamble into the body of the claims as well as language from the specification to more particularly claim the present invention successfully traverses the §102(b) rejection because Crawford (US Patent No. 5,771,354) does not provide an element that can provide a backup copy of internet based data generated by a remote data processing system on an onsite client computer.

For example, the Examiner cites col. 12, lines 41-58 and col. 14, lines 37 to col. 15, line 56, for both claims 1 and 4 as containing every element of the present invention. However, the col. 12 cite merely presents a description of a general purpose computer used in an on-line environment and the col. 14-15 cite discloses various remote service elements, e. g. remote storage. Neither of the two cited

sections of Crawford discloses an element that can provide a backup copy of internet based data generated by a remote data processing system on an onsite client computer, which therefore makes claims 1 and 4 novel by definition.

The reason this element is novel is because remote or virtual applications, e.g. remote storage of data, presents a problem in a number of situations. For instance, as was described in the background section of the present application, there is the problem of safeguarding data and this problem is exacerbated when the company has a duty or professional responsibility to safeguard the data, such as a publicly traded company, law firm or medical practice. Consequently, sending unprotected data can produce unwanted consequences such as legal liability for the entity utilizing external resources.

Another difficulty companies face in considering to outsource is continuity of service if, for example, the third party were to go out of business. For example, many modern business deal in real-time data and interruption of data services can produce catastrophic or near catastrophic circumstances e.g. a medical office needing a patient's medical file to address an emergency situation regardless of the medical office's vendor's financial conditions.

In both of the aforementioned examples, Crawford cannot solve the problems presented because Crawford solves a different set of problems. Consequently, Crawford cannot produce the present invention because Crawford does not teaches or suggests how to backup internet based data generated by a remote data processing system on an onsite client computer.

Claim 7 was also rejected under §102(b) although the Examiner did not provide cites. Claim 7 is novel for the same reasons as claims 1 and 4 as well as possessing the added novel elements of encryption and decryption. Thus claims 1, 4

and 7 are novel by providing an element that can provide a backup copy of internet based data generated by a remote data processing system on an onsite client computer, which is an element not found in the Crawford disclosure. Also, claims 2, 3, 5, and 6 must be novel because they are dependent claims, which depend on novel independent claims 1, 4 and 7.

35 USC §103(a) Rejection

The Examiner has rejected claim 7 under 35 USC §103(a) as being unpatentable over US Patent No. 5,771,354 to Crawford et al. in view of US Patent No. 6,076,167 to Borza. Applicant respectfully requests that the Examiner reconsiders this rejection in light of the above Amendments and the below remarks.

Crawford is an invention that teaches various techniques to remotely enhance a client computer's capabilities via a network connection and these techniques are embodied in FIGS. 2 and 3 of the present invention. As was described in the §102(b) rejection remarks, Crawford does not provide an element that can provide a backup copy of Internet based data generated by a remote data processing system on an onsite client computer.
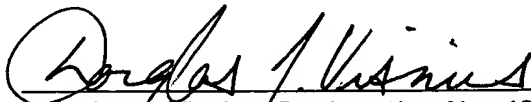
Borza, on the other hand, teaches a method of securing a communications session between a first and second computer and does not teach or suggest a method to provide a backup copy of internet based data generated by a remote data processing system on an onsite client computer. Consequently, combining the teachings of Crawford and Borza cannot produce the present invention because neither Crawford nor Borza teaches or suggests how to backup internet based data generated by a remote data processing system on an onsite client computer and

therefore the combination of Crawford in view of Borza can never work to produce the present invention.

For the foregoing reasons, Applicant respectfully submits that all pending claims (claims 1-9) are patentable over the references of record, and therefore requests allowance of all claims.

Respectfully submitted,

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